

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference

F050005PCTTM

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/JP2005/007252

International filing date (day/month/year)

14.04.2005

Priority date (day/month/year)

30.04.2004

International Patent Classification (IPC) or both national classification and IPC

Applicant

KYUSHU INSTITUTE OF TECHNOLOGY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
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International application No.

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Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

- ☐ a sequence listing
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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International application No.

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Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-27	YES
	Claims		NO
Inventive step (IS)	Claims	4-6, 10-12, 15, 16, 20-22, 26, 27	YES
	Claims	1-3, 7-9, 13, 14, 17-19, 23-25	NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO
2. Citations and explanations:			
<p>Document 1: JP, 10-26978, A (Yoshihiko Sano), 27 January, 1998 (27.01.98), full text, all drawings</p> <p>Document 2: JP, 7-281666, A (Casio Computer Co., Ltd.), 27 October, 1995 (27.10.95), full text, all drawings</p> <p>Document 3: JP, 2000-276138, A (Yamaha Corp.), 6 October, 2000 (06.10.00), full text, all drawings</p> <p>Document 4: JP, 2004-96573, A (NEC Saitama, Ltd.), 25 March, 2004 (25.03.04), full text, all drawings</p> <p>Document 5: WO, 2002/089496, A2 (QRSPEX, Inc.), 7 November, 2002 (07.11.02), page 4, lines 7-19</p> <p>The subject matters of claims 1, 7 and 13 do not appear to involve an inventive step in view of document 1 cited in the ISR. Document 1 (particularly, see paragraph [0015]) describes that the movement of an object identifies the position where the object has moved by an interface 7 and outputs music in accordance with the position. To process images for each frame is a well-known technique. To make the device a portable type is a matter that a person skilled in the art could design as required.</p> <p>Therefore, a person skilled in the art could have easily arrived at the subject matter of claim 1.</p> <p>The subject matters of claims 2 and 8 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR. Document 2 describes that music is generated by the sound source of a musical instrument in accordance with a position.</p> <p>The subject matters of claims 3 and 9 do not appear to involve an inventive step in view of documents 1 and 3 cited in the ISR. Document 3 describes that music is generated by a musical scale in accordance with a position.</p> <p>The subject matters of claims 4-6, 10-12, 15, 16, 20-22, 26 and 27 appear to involve an inventive step in view of the documents cited in the ISR. None of the documents describes that the identification of a position is performed by comparing image data among a plurality of specified frames, and a person skilled in the art could not have easily conceived of it.</p> <p>The subject matter of claim 14 does not appear to involve an inventive step in view of document 1 cited in the ISR. Document 1 describes that an image is processed and displayed.</p> <p>The subject matter of claim 17 does not appear to involve an inventive step in view of documents 1 and 4 cited in the ISR. It is a well-known technique as described in document 4 to</p>			

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

provide an imaging means and a music output means in a mobile telephone device.

In a similar manner, the subject matter of claim 18 does not appear to involve an inventive step in view of documents 1, 2 and 4 cited in the ISR, and the subject matter of claim 19 does not appear to involve an inventive step in view of documents 1, 3 and 4 cited in the ISR.

The subject matters of claims 23 and 24 do not appear to involve an inventive step in view of documents 1 and 5 cited in the ISR. It is a well-known technique as described in document 5 to provide an imaging means and a music output means in a spectacle instrument. To provide a music output function by dispersing it outside is a matter that a person skilled in the art could have designed as required.

In a similar manner, the subject matter of claim 25 does not appear to involve an inventive step in view of documents 1, 3 and 5 cited in the ISR.

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International application No.

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Box No. VI

Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2004-205738 A [E, X]	22.07.2004	25.12.2002	25.12.2002

2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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